

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EUGENIA SCHWARZ,

Plaintiff,

**ORDER**  
**10 CV 562 (BMC)(LB)**

-against-

DEPARTMENT OF JUSTICE and  
DEPARTMENT OF HOMELAND SECURITY,

Defendants.

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**BLOOM, United States Magistrate Judge:**

Plaintiff filed the instant pro se action on January 29, 2010. See docket entry 1. By order dated February 18, 2010, I directed plaintiff to serve defendants with the summons and complaint by May 31, 2010. See docket entry 2. On March 9, 2010, plaintiff filed a blank return of service form and certified mail receipts addressed to the Chief of the Department of Homeland Security and the United States Attorney General. See docket entry 5. However, plaintiff must comply with Fed. R. Civ. P. 4(i), which provides:

**(i) Serving the United States and Its Agencies, Corporations, Officers, or Employees.**

**(1) *United States.*** To serve the United States, a party must:

**(A)(i)** deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought--or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk--or

**(ii)** send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

**(B)** send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

**(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity.** To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

Plaintiff has not served the United States Attorney for the district or the Department of Justice as required. Plaintiff is reminded that service must be made by May 31, 2010 or it will be recommended that the action should be dismissed without prejudice.<sup>1</sup>

SO ORDERED.

/Signed by Judge Lois Bloom/  
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LOIS BLOOM  
United States Magistrate Judge

Dated: April 5, 2010  
Brooklyn, New York

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<sup>1</sup> Plaintiff must also file the server's affidavit under Fed. R. Civ. P. 4(l) as proof of service, not a blank return of service form. Plaintiff cannot personally serve the summons and complaint upon defendants herself. See Fed. R. Civ. P. 4(c)(2) ("Any person who is at least 18 years old and not a party may serve a summons and complaint.")